REMARKS

Claims 1-20 remain in the application and stand rejected. Reconsideration of the rejection is respectfully requested in light of the following reasons.

Applicants thank the Examiner for withdrawing the rejections in the office action mailed June 14, 2007.

Claim Rejections -- 35 U.S.C. § 102

Claim 10 stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,028,335 to Borella et al. ("Borella"). The rejection is respectfully traversed.

Claim 10 is patentable over Borella at least for reciting: "the kernel driver being configured to modify a packet generated at the first computer" (emphasis added). Although Borella generally talks about the need for a NAT router to modify an IP packet, Borella is silent as to using a kernel driver to do so. There is no teaching or suggestion in Borella or any of the references of record to use a kernel driver to modify IP packets in a NAT router. It is respectfully submitted that a kernel driver is a well known term of art in computer science and Borella does not pertain or need to use kernel drivers in its application. In the invention of claim 10, use of a kernel driver allows data transmission before complete initialization of a computer's network layer (specification, page 11, line 22 to page 12, line 8). Use of a kernel driver to allow for packet modification before the sending computer's network layer is fully initialized is disclosed only in the present application and not in any of the references of record. This is because Borella and the references of record pertain to network traffic between computers that have been fully initialized for network communication. The cited portions of Borella (Borella col. 3, lines 37-42 and col. 4, lines 23-23) have no disclosure as to kernel drivers for modifying packets.

Claim 10 is also patentable over Borella at least for reciting: "the packet being intended for a second computer and being modified to be forwarded from the first computer to a third computer." That is, the packet modified at the first computer is

intended for a second computer but instead forwarded from the first computer to a third computer. As explained in a previous response, Borella does not perform modification of a packet at the same computer from which it was sent. Borella performs interception rather than packet modification. The cited portions of Borella do not teach or suggest the aforementioned limitation of claim 10.

- Borella col. 3, lines 24-25 and col. 21, lines 51-53 merely discuss transmission from one endpoint to a second endpoint. These portions of Borella do not teach or suggest packet modification.
- Borella col. 4, lines 41-45 explicitly discloses interception at a second network device. Again, this portion of Borella does not teach or suggest packet modification.

Therefore, it is respectfully submitted that claim 10 is patentable over Borella.

Claims 12-25 depend on claim 10, and are thus patentable over Borella at least for the same reasons that claim 10 is patentable. For example:

The plain language of claim 14 requires the packet to be modified at the first computer prior to initialization of a network-enabled application in the first computer. In the rejection of claim 3, the last office action suggests that this limitation of claim 14 is disclosed in Borella col. 3, lines 37-42 and col. 4, lines 23-35. It is respectfully submitted that these cited portions of Borella do not teach or suggest performing packet modification prior to initialization of a network-enabled application in the computer that is sending out the packet. This is not surprising given that Borella or any of the references of record does not pertain to network communication prior to initialization of a network-enabled application. Borella and the references of record pertain to network communication among fully initialized computers. Therefore, it is respectfully submitted that claim 14 is patentable over Borella.

Claim Rejections -- 35 U.S.C. § 103 (Borella and Albert)

Claims 1-6, 8, 9, 17, 19, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Borella and further in view of U.S. Patent No. 6,650,641 to Albert et al. ("Albert"). The rejection is respectfully traversed.

Claim, 1 pertains to sending of a data unit from a first computer to a second computer ("the data unit intended for a second computer"). Prior to sending the data unit from the first computer ("modifying a data unit to be sent by a first computer"; i.e., future tense), the data unit is modified such that the it is redirected from the first computer to a third computer. The first computer then sends the data unit to the third computer ("sending the data unit from the first computer to the third computer"), which then forwards the data unit to the second computer ("forwarding the data unit from the third computer to the second computer").

In marked contrast, Borella does not pertain to modification of a data unit for redirection prior to being sent by the sender. In Borella, redirection of a data unit is done by modifying a network address translation table in another computer (i.e., not the sender). Referring to Borella's Abstract, therein disclosed are a first network device, a second network device, and a third network device. The second network device stores the external address of the third network device. Any packet sent from the third network device to the first network device is intercepted by the second network device, which uses the address table to determine where to forward the packet. Note that no packet modification is performed by the third network device (sender – "first computer" in claim 1). The third network device does not need to as the redirection is performed at the second network device.

The above difference between Borella and claim 1 reflects their substantially different applications. Borella pertains to network address translation (see Borella, col. 4, lines 23-35) while claim 1 pertains to packet modification at the sender. For example, Borella needs a NAT device and cannot be implemented at the sender. Albert does not address the deficiencies of Borella as Albert also performs network address translation to route traffic.

To clarify the invention of claim 1, claim 1 has been amended to recite that the data unit being modified is generated in and originates from the first computer (i.e., where the modification is performed) and being sent by the first computer to connect to the computer network. It is respectfully submitted that this amendment clarifies that claim 1 pertains to connecting to the computer network by modifying packets at the originating computer, and not network address translation that involves routing of packets from other computers.

For at least the above reasons, it is respectfully submitted that claim 1 is patentable over the combination of Borella and Albert.

Claims 2-6 and 8-9 depend on claim 1 and are thus patentable over the combination of Borella and Albert at least for the same reasons that claim 1 is patentable.

Claim 17 is patentable over the combination of Borella and Albert at least for reciting: "modifying a DHCP (dynamic host configuration protocol) packet at a first computer prior to initialization of a network-enabled application in the first computer, the DHCP packet being intended for a DHCP server, the DHCP packet being modified to be redirected to a second computer." The plain language of claim 17 requires modification of DHCP packet prior to initialization of a network-enabled application in the first computer, where the modification is performed. As explained above in regard to claim 14, Borella does not teach or suggest packet modification before initialization of a network-enabled application in the first computer. Neither does Albert as both Albert and Borella pertain to data transmission among fully initialized computers.

Claim 17 also recites modification of a DHCP packet. DHCP is used to connect computers to a network. That is, DHCP is used by computers to receive network configuration information to connect to the network. While Borella discusses use of DHCP (Borella, col. 10, lines 2-14), it is merely in the general sense. It is respectfully submitted that the combination of Borella and Albert does not teach or suggest modifying DCHP packets intended for a DHCP server, let alone at a first computer prior to initialization of a network-enabled application in the first computer. Therefore, it is

respectfully submitted that claim 17 is patentable over the combination of Borella and Albert.

Claims 19 and 20 depend on claim 17 and are thus patentable over the combination of Borella and Albert at least for the same reasons that claim 17 is patentable.

Claims 7, 11, 16, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Borella in view of Albert and further in view of U.S. Patent No. 6,717,943 to Schwering (Schwering). These claims are patentable at least for depending on patentable base claims.

Conclusion

For at least the above reasons, withdrawal of the rejection of claims 1-20 is respectfully requested. The Examiner is invited to telephone the undersigned at (408)436-2112 for any questions including to resolve issues pertaining to claim construction.

If for any reason an insufficient fee has been paid, the Commissioner is hereby authorized to charge the insufficiency to Deposit Account No. 50-2427.

Respectfully submitted,
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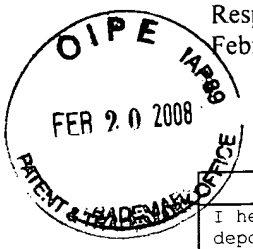

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